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प्राकाशित
EXTRAORDINARY

भाग II—खण्ड 1
PART II—Section 1

प्राधिकार से प्रकाशित

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इस भाग में प्रिय पाल संसद वी आती है जिससे कि यह अलग संसद के काप में

Separate paging is given to this part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 4th January, 1992/Pausa 14, 1913 (Saka)

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ORDINANCE, 1992

No. 1 OF 1992

Promulgated by the President in Forty-second Year of the
Republic of India.

An Ordinance further to amend the Representation of the
People Act, 1951.

WHEREAS Parliament is not in session and the President is satisfied
that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Representation of the People (Amendment) Ordinance, 1992.

(2) It shall come into force at once.

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THE GAZETTE OF INDIA EXTRAORDINARY [PART II—Sec. 1]

2. In the Representation of the People Act, 1951, for section 52, the following section shall be substituted, namely:—

63 of 1951.

'52. If a candidate, set up by a recognised political party,—

(a) dies at any time after 11 A.M. on the last date for making nominations and his nomination is found valid on scrutiny under section 36; or

(b) whose nomination has been found valid on scrutiny under section 36 and who has not withdrawn his candidature under section 37, dies,

in either case, a report of his death is received at any time before the publication of the list of contesting candidates under section 38; or

(c) dies as a contesting candidate and a report of his death is received before the commencement of the poll,

the returning officer shall, upon being satisfied about the fact of the death of the candidate, by order, countermand the poll and report the fact to the Election Commission and also to the appropriate authority and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election:

Provided that no order for countermanding a poll should be made in a case referred to in clause (a) except after the scrutiny of all the nominations including the nomination of the deceased candidate:

Provided further that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll:

Provided also that no person who has given a notice of withdrawal of his candidature under sub-section (1) of section 37 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

Explanation.—For the purposes of this section, "recognised political party" means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968.'

R. VENKATARAMAN,
President.

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V. S. RAMA DEVI,
Secy. to the Govt. of India.